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Attorney for Plaintiff, Marilyn Churchill

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARILYN CHURCHILL, an individual,

Plaintiff,

vs.

JOHN BARGETTO, in his individual and
official capacities; BARGETTO'S SANTA
CRUZ WINERY, a California Corporation; and
DOES 1 through 100, inclusive,

Defendants.

Civil Action No.: C07-003007 MMC

**DECLARATION OF DAVID P. MORALES
IN SUPPORT OF STIPULATED MOTION
TO AMEND SCHEDULE**

Hearing Date: April 11, 2008
Time: 9:00 a.m.
Courtroom: 7, 19th Floor

Judge: Hon. Maxine M. Chesney

Trial Date: September 8, 2008

DECLARATION

I, David P. Morales, declare:

1. I am a member of this Court and the attorney of record for Plaintiff MARILYN CHURCHILL, a party to the above action.

2. In January 2008, the parties were working diligently to resolve discovery disputes between them involving hundreds of pages of discovery objections and other discovery issues, so they could proceed with their deposition discovery in preparation for scheduled mediation in March 2008. Unfortunately, I received word that my father suddenly passed away in late January 2008. As a result, I had to promptly leave town to assist my family in Southern California.

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4. Upon my return to the office in late February, the parties cooperated with one another to ensure the completion of pending discovery, and, on February 29, 2008, filed a joint Stipulation to Continue Discovery Deadlines for that purpose. On March 4, 2008, the Court denied the parties' stipulation to extend the discovery deadlines due to its apparent impact on the remaining schedule. Unfortunately, given the extensive discovery previously initiated and the substantial discovery disputes still pending resolution, it does not appear that such discovery can be properly completed on the present schedule. Granting of this motion will be in the furtherance of justice as it will permit the parties to resolve their extensive discovery disputes and properly complete their pending discovery so that this matter may be fully tried on its merits. The requested relief will also avoid manifest injustice in that it will permit this action to be decided on its merits.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct, and that this declaration was executed on March 7, 2008.

By: /s/ David P. Morales
DAVID MORALES

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TO AMEND SCHEDULE**
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1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 “conformed” signature (/s/) within this efiled document.

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4 Dated: March 8, 2008

TINGLEY PIONTKOWSKI LLP

5 By: /s/ Bruce C. Piontkowski
6 BRUCE C. PIONTKOWSKI
7 Attorneys for Defendants
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